

Replacement sheets 8 and 11 filed on 6-9-09 have been approved by the examiner.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roger N. Chauza, Esq. on 9-10-09.

Claim 26 (currently amended): A method of operating a fluid treatment device employing a non-bonded media for treating the fluid, comprising the steps of :

containing the non-bonded media in an annular chamber located between an inner perforated cylinder and an outer perforated cylinder of said fluid treatment device;

passing an influent radially through the non-bonded media for treatment of the influent during a treatment operation; and

passing a purge fluid down an upper portion of the inner perforated cylinder during a packing operation and then outwardly into the annular chamber to pack the non-bonded media in the annular chamber; and

during the packing operation passing the purge fluid through the outer perforated cylinder in a direction to carry with it particulate matter accumulated on the outside of

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said outer perforated cylinder to a location outside of a housing that contains said inner perforated cylinder and said outer perforated cylinder.

Claim 27 (currently amended): The method of claim 26, further including carrying said purge fluid out of said fluid treatment device at an outlet port different from an outlet port of a treated influent, ~~defined by an affluent.~~

Claim 28 (currently amended): The method of claim 26, further including passing the purge fluid during the ~~purge~~ packing operation through said outer perforated cylinder in a direction opposite a direction the influent passes through the outer perforated cylinder during the treatment operation.

Claim 29 (canceled)

Claim 30 (currently amended): The method of claim ~~29~~ 26, further including closing the upper portion of the inner perforated cylinder during the treatment operation.

Claim 31 (currently amended): The method of claim ~~29~~ 30, further including using a ball located above an orifice in a plate located in the upper portion of said inner perforated cylinder for closing and opening the upper portion of said inner perforated cylinder.

Claim 32 (canceled)

Claim 33 (currently amended): The method of claim ~~32~~ 26, wherein the housing includes a top end cap with ports therein and a bottom end cap with ports therein and a case for said fluid treatment device where the top and bottom end caps cap the respective ends of said case, and wherein fluids are carried to and from said fluid treatment device only via the ports in said top and bottom end caps, and further including capturing said case; and said inner and outer perforated cylinders between said top and bottom end caps.

Claim 34 (currently amended): The method of claim 26, further including increasing the velocity of the purge fluid passing through the outer perforated cylinder as a function of the accumulation of the non-bonded media in the lower portion of the annular chamber during the ~~purge~~ packing operation.

Claim 35 (currently amended): The method of claim 34, wherein the increased accumulation of the non-bonded media in the lower portion of the annular chamber during the ~~purge~~ packing operation reduces the area of the outer perforated cylinder through which the purge fluid can flow, thus increasing the velocity thereof.

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Claim 36 (currently amended): The method of claim 35, further including removing the residue on the outside of the outer perforated cylinder with greater efficiency using a the greater velocity of the purge fluid.

Claim 37 (previously presented): The method of claim 26, further including carrying out the packing operation after fluidizing the non-bonded media to dislodge particulate matter therefrom.

Claim 38 (canceled)

Claim 39 (previously presented): The method of claim 26, wherein an area of the outer perforated cylinder through which the purge fluid passes is reduced as the non-bonded media is packed in the lower portion of said annular chamber.

Claim 40 - 43 (canceled)

Claim 44 (currently amended): The method of claim 4 26, further including using a the purge fluid to force the non-bonded media from the upper portion of said annular chamber to the lower portion of the annular chamber during a ~~purge~~ the packing operation, and carrying residue with the purge fluid during the ~~purge~~ packing operation for disposal of the residue.

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Claim 45 (previously presented): A method of operating a fluid treatment device employing a non-bonded media for treating the fluid, comprising:

containing the non-bonded media in an annular chamber located between an inner perforated cylinder and an outer perforated cylinder of said fluid treatment device;

passing an influent radially through the non-bonded media for treatment of the influent during a treatment operation;

passing a purge fluid down an upper portion of the inner perforated cylinder during a packing operation and then outwardly into the annular chamber to pack the non-bonded media in the annular chamber; and

using a top end cap with ports therein and providing a bottom end cap with ports therein, and using a case for said fluid treatment device where the top and bottom end caps cap the respective ends of said case, and wherein fluids are carried to and from said fluid treatment device only via the ports in said top and bottom end caps.

Claim 46 (previously presented): A method of operating a fluid treatment device employing a non-bonded media for treating the fluid, comprising:

containing the non-bonded media in an annular chamber located between an inner perforated cylinder and an outer perforated cylinder of said fluid treatment device;

passing an influent radially through the non-bonded media for treatment of the influent during a treatment operation;

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passing a purge fluid down an upper portion of the inner perforated cylinder during a packing operation and then outwardly into the annular chamber to pack the non-bonded media in the annular chamber; and

closing an upper portion of the inner perforated cylinder during the purge operation, and opening the upper portion of the inner perforated cylinder during a backwash operation.

The title has been changed to -- Method of Operating a Fluid Treatment Device Employing a Non-Bonded Media --.

The following is an examiner's statement of reasons for allowance: U.S. Patent 6,322,704 to Martin is considered the closest prior art, however, the reference fails to teach or suggest:

the limitation of during the packing operation passing the purge fluid through the outer perforated cylinder in a direction to carry with it particulate matter accumulated on the outside of said outer perforated cylinder to a location outside of a housing that contains said inner perforated cylinder and said outer perforated cylinder as recited in instant claim 26;

the limitation of using a top end cap with ports therein and providing a bottom end cap with ports therein, and using a case for said fluid treatment device where the top and bottom end caps cap the respective ends of said case, and wherein fluids are

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carried to and from said fluid treatment device only via the ports in said top and bottom end caps as recited in instant claim 45; or,

the limitation of closing an upper portion of the inner perforated cylinder during the purge operation, and opening the upper portion of the inner perforated cylinder during a backwash operation as recited in instant claim 46.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew O Savage/
Primary Examiner
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